IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.4495 OF 2006

Vijay Balwant Patil .. Applicant

Versus

State of Maharashtra .. Respondent

Mr.Nitin Pradhan with Ms.Shubhada Khot for applicant

Mr.S.S.Pednekar, A.P.P. for State.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 20th December 2006.

P.C.

. Mr.Pradhan does not dispute that the applicant had applied for anticipatory bail

before this Court earlier and that application was dismissed as withdrawn.

2. However, the undertaking of this applicant was recorded to surrender and, therefore, this Court, according to Mr.Pradhan has granted time to surrender. That time expires on 21st December 2006.

3. The instant application, although styled as an Anticipatory Bail application, is in effect seeking extension of time to surrender. The applicant is not applying for anticipatory bail afresh.

4. Mr.Pradhan states that the extension be granted because the applicant has made arrangements for repayment of the loan of concerned society. He would, if time is granted, pay a sum of Rs.10 lakhs as also execute a mortgage deed in favour of the society with

regard to 3000 sq.mtrs. of open land being C.T.S.No.6209 in Nashik city. he states that the valuation of the land as per ready reckoner is Rs.3 Crores 90 lakhs whereas the loan amount is Rs.2 Crores 10 lakhs. Mr.Pradhan has filed affidavit cum undertaking of the partners of M/s.Laxmi Developers which include the applicant. Undertaking from the owners is that this land belongs to the firm exclusively and there is no encumberance on the same. No third party rights of any nature have been created and the land is vacant as well. They have undertaken that they would not create any third party rights, interest or title in respect of the said land till the entire amount is repaid.

5. It is in these circumstances, Mr.Pradhan seeks time till 10th January 2007 for applicant to surrender.

6. Learned A.P.P. states that substantial

amount must be deposited as per the policy (25% in cash) and only then this Court may take such view of the matter as is permissible in law. Mr.Pradhan states that Rs.10 lakhs as stated in the application is the minimum amount which would be offered. The applicant would endeavour to pay much more than Rs.10 lakhs and in any event would execute mortgage deed in favour of the society to secure entire amount. The society can then take such steps as are permissible in law to enforce the mortgage. The land is unencumbered and free and, therefore, considering the undertaking, this Court should take a sympathetic view.

7. In the light of the undertaking filed on affidavit today and the statement of Mr.Pradhan that the applicant would deposit a sum of Rs.10 lakhs by 27th December 2006, time to surrender is extended till 10th January 2007. Application disposed of accordingly. All concerned to act on an authenticated copy of this order.

(S.C.Dharmadhikari, J)